

Ryan Lee, Esq. (SBN 024846)
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite401
Los Angeles, CA 90025
T: (323) 988-2400; F: (866) 802-0021
rlee@consumerlawcenter.com

Attorneys for Plaintiff, AMY ABDAI

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

AMY ABDAI,)	Case No.:
)	
Plaintiffs,)	VERIFIED COMPLAINT AND DEMAND
)	FOR JURY TRIAL
vs.)	
)	(Unlawful Debt Collection Practices)
ALLIED INTERSTATE, INC.,)	
)	
Defendant.)	

VERIFIED COMPLAINT

AMY ABDAI (Plaintiff), by her attorney, KROHN & MOSS, LTD., allege the following
against ALLIED INTERSTATE, INC. (Defendant):

INTRODUCTION

- Count I of Plaintiff's Verified Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital

1 instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the
2 FDCPA to eliminate abusive debt collection practices by debt collectors, to insure that
3 those debt collectors who refrain from using abusive debt collection practices are not
4 competitively disadvantaged, and to promote consistent State action to protect
5 consumers against debt collection abuses. *15 U.S.C. 1692(a) – (e)*.

- 6 2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by
7 Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by
8 Plaintiff, and this conduct caused Plaintiff's damages.
- 9 3. Defendant acted through its agents, employees, officers, members, directors, heirs,
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
11 insurers.

12 JURISDICTION AND VENUE

- 13 4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such
14 actions may be brought and heard before "any appropriate United States district court
15 without regard to the amount in controversy" and *28 U.S.C. 1367* grants this court
16 supplemental jurisdiction over the state claims contained therein.
- 17 5. Because Defendant maintains a business office and conducts business in the State of
18 Arizona, personal jurisdiction is established.
- 19 6. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
- 20 7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

21 PARTIES

- 22 8. Plaintiff is natural person who reside in the city of Tuscon, Pima County, Arizona and is
23 allegedly obligated to pay a debt and are "consumers" as that term is defined by *15*
24 *U.S.C. 1692a(3)*.
- 25 9. Defendant is a corporation with a business office in Westlake Village, Los Angeles

County, California.

10. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant calls Plaintiff from telephone number 775-319-1056.

13. Defendant called Plaintiff and hung up before Plaintiff or her voicemail answered the phone.

14. Defendant placed telephone calls without meaningful disclosure of the caller's identity.

15. Defendant did not send Plaintiff a debt validation letter.

16. Defendant failed to identify itself as a debt collector in subsequent communications.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant Violated *§1692(d)* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiffs.
- b. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiffs;
- c. Defendant violated *§1692d(6)* of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity by calling Plaintiffs and hanging up the phone.

- 1 d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
2 attempt to collect a debt by failing to disclose in subsequent communications that
3 the communication is from a debt collector.
- 4 e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent
5 communications that the communication is from a debt collector.
- 6 f. Defendant violated §1692g(a)(1-5) by failing to provide appropriate notice of the
7 debt within 5 days after the initial communication including: (1) the amount of
8 the debt; (2) the name of the creditor to whom the debt is owed; (3) a statement
9 that unless the consumer, within 30 days after receipt of the notice, disputes the
10 validity of the debt, or any portion thereof, the debt will be assumed to be valid
11 by the debt collector; (4) a statement that if the consumer notifies the debt
12 collector in writing within the 30-day period that the debt, or any portion thereof,
13 is disputed, the debt collector will obtain verification of the debt or a copy of a
14 judgment against the consumer and a copy of such verification or judgment will
15 be mailed to the consumer by the debt collector; and (5) a statement that, upon
16 the consumer's written request within the 30-day period, the debt collector will
17 provide the consumer with the name and address of the original creditor, if
18 different from the current creditor.

19 18. As a direct and proximate result of one or more or all of the statutory violations above
20 Plaintiff has suffered emotional distress (see group Exhibit A).

21 WHEREFORE, Plaintiff, AMY ABDAL, respectfully requests judgment be entered
22 against Defendant, ALLIED INTERSTATE, INC., for the following:

23 19. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection
24 Practices Act,

25 20. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

1 21. Actual damages,

2 22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
3 *15 U.S.C. 1692k*

4 23. Any other relief that this Honorable Court deems appropriate.
5

6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, AMY ABDAL, demands a jury trial in this cause
8 of action.

9 RESPECTFULLY SUBMITTED,

10 DATED: August 11, 2009

KROHN & MOSS, LTD.

11
12 By: /s/ Ryan Lee
13 Ryan Lee
14 Attorney for Plaintiff
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF ARIZONA

Plaintiffs, AMY ABDAL, state as follows:

1. We are the Plaintiffs in this civil proceeding.
2. We have read the above-entitled civil Complaint prepared by our attorneys and we believe that all of the facts contained in it are true, to the best of our knowledge, information and belief formed after reasonable inquiry.
3. We believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. We believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. We have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit we have provided to our attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by our attorneys where appropriate, we have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, AMY ABDAL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 8/5/09



AMY ABDAL

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EXHIBIT A

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

- | | | |
|---|--------------------------------------|-------------------------------------|
| 1. Sleeplessness | YES | <input checked="" type="radio"/> NO |
| 2. Fear of answering the telephone | YES | <input checked="" type="radio"/> NO |
| 3. Nervousness | YES | <input checked="" type="radio"/> NO |
| 4. Fear of answering the door | YES | <input checked="" type="radio"/> NO |
| 5. Embarrassment when speaking with family or friends | YES | <input checked="" type="radio"/> NO |
| 6. Depressions (sad, anxious, or "empty" moods) | YES | <input checked="" type="radio"/> NO |
| 7. Chest pains | YES | <input checked="" type="radio"/> NO |
| 8. Feelings of hopelessness, pessimism | YES | <input checked="" type="radio"/> NO |
| 9. Feelings of guilt, worthlessness, helplessness | YES | <input checked="" type="radio"/> NO |
| 10. Appetite and/or weight loss or overeating and weight gain | YES | <input checked="" type="radio"/> NO |
| 11. Thoughts of death, suicide or suicide attempts | YES | <input checked="" type="radio"/> NO |
| 12. Restlessness or irritability | <input checked="" type="radio"/> YES | <input checked="" type="radio"/> NO |
| 13. Headache, nausea, chronic pain or fatigue | YES | <input checked="" type="radio"/> NO |
| 14. Negative impact on my job | YES | <input checked="" type="radio"/> NO |
| 15. Negative impact on my relationships | YES | <input checked="" type="radio"/> NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: _____

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 8/5/09


Signed Name

Amy Abdai
Printed Name